

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22195 of 2020**

Arising Out of PS. Case No.-128 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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1. RISHU KUMAR SINGH Son of Manoranjan Singh Resident of Village - Kevani, P.S.- Garkha, Distt.- Saran.
 2. Chandan Kumar Son of Balmiki Singh Resident of Village - Chas Bihar Colony Bokaro, P.S.- Chas, Distt.- Bokaro (Jharkhand).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Saket Gupta, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-08-2020 Learned counsel for the petitioners undertakes to remove the defects, as pointed out by office, within four weeks after start of normal functioning of the Court.

Heard leaned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Government Official Complaint Case No. 128C2/2020 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that petitioner no. 1 is the helper and petitioner no. 2 is the driver of the vehicle from which the alleged illicit liquors have been recovered but the very seizure of the illicit liquors are doubtful



inasmuch as only police personnel are the seizure list witnesses. It is his submission that the case is one of the false implication and the petitioners are innocent. The petitioners are also not having criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners, considering the facts and circumstances of the case that the petitioners are only helper and driver respectively of the vehicle in question and they are in custody for about 2 ½ months as also that the seizure list witnesses are only the members of the police party, let the petitioners above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Jamui, in connection with Government Official Complaint Case No. 128C2/2020 subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioners.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

